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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
PROPOSED AGENDA**

This Document Relates to:

ALL ACTIONS

Pursuant to Civil Local Rule 16-10(d) and the Court's December 6, 2021 Minute Order (ECF No. 2611), counsel for Defendants Juul Labs, Inc. ("JLI"), Altria,¹ Director Defendants,² E-Liquid Defendants,³ Retailer Defendants,⁴ and Distributor Defendants⁵ (collectively

¹ "Altria" refers to Altria Group, Inc., and the Altria-affiliated entities named in Plaintiffs' Consolidated Class Action Complaint and Consolidated Master Complaint (collectively, "Complaints"), see ECF Nos. 387, 388.

² "Director Defendants" refers to Messrs. James Monsees, Adam Bowen, Nicholas Pritzker, Hoyoung Huh, and Riaz Valani.

³ "E-Liquid Defendants" refers to Mother Murphy's Labs, Inc., Alternative Ingredients, Inc., Tobacco Technology, Inc., and Eliquitech, Inc.

⁴ "Retailer Defendants" refers to Chevron Corporation, Circle K Stores, Inc., Speedway LLC, 7-Eleven, Inc., Walmart, and Walgreen Co.

⁵ "Distributor Defendants" refers to McLane Company, Inc., Eby-Brown Company, LLC, and Core-Mark Holding Company, Inc.

“Defendants”), and Plaintiffs’ Co-Lead Counsel (“Plaintiffs”) (collectively referred to herein as the “Parties”) respectfully provide this Joint Case Management Statement in advance of the Further Case Management Conference scheduled for February 25, 2022.

I. PARTICIPANT INFORMATION

The February 25, 2022 CMC will proceed by Zoom. Anyone who wishes to attend the conference virtually must log in using the information available at:
<https://www.cand.uscourts.gov/judges/orrick-william-h-who/>.

II. ISSUES TO BE DISCUSSED BELOW AND PROPOSED AGENDA

1. Status of Case Filings and Dismissals
2. Case Management Matters
3. Discovery Status
4. ADR Status

III. STATUS OF CASE FILINGS AND DISMISSALS

As of February 23, 2022, approximately 3,215⁶ cases are pending in this MDL, naming 109 defendants. A list of these defendants is attached as **Exhibit A**. To date, 2,580 personal injury cases and 578 government entity cases (including 525 school districts, 25 counties, 2 cities, and 26 tribes) have been filed in this MDL. 685 MDL plaintiffs have voluntarily dismissed their cases (658 personal injury plaintiffs, 25 class plaintiffs, and 2 school districts); 237 cases have been dismissed without prejudice pursuant to CMO No. 8; and 53 other cases are subject to pending motions to dismiss without prejudice that have not yet been ruled upon. Furthermore, 154 case dismissals without prejudice have been converted to dismissals with prejudice pursuant to CMO No. 8.

There are 616 complaints pending in JCCP 5052, which is assigned to Judge David S. Cunningham of the Los Angeles Superior Court as the Coordination Trial Judge. There are 83 government entity cases, including 78 school districts, and 535 personal injury cases brought on

⁶ The numbers in this Statement reflect the Parties’ good faith estimates based on reasonably available information. The Parties will continue to work together to align their data and resolve any inconsistencies.

1 behalf of over 3,600 individual personal injury plaintiffs. There are 26 defendants named in those
2 JCCP cases.

3 The Parties are also aware of 15 pending cases filed by State Attorneys General
4 specifically: California, Illinois, Hawai'i, New York, Louisiana, Mississippi, Minnesota,
5 Washington D.C., Pennsylvania, New Mexico, Massachusetts, Colorado, Alaska and
6 Washington; in addition, the State Attorney General of North Carolina filed a case against
7 Director Defendants. Plaintiffs' Liaison Counsel continue their outreach to various State
8 Attorneys General to discuss cooperation with this MDL.

9 An update on matters of significance (including hearings, schedules, deadlines,
10 depositions, substantive orders, and trial dates) in Related Actions as defined by the Joint
11 Coordination Order (CMO 9, ECF No. 572 at 1, 3), is attached hereto as **Exhibit B**.

12 **IV. CASE MANAGEMENT MATTERS**

13 **A. Personal Injury Bellwether Cases**

14 1. Third Trial -- Personal Injury Bellwether Case

15 After the last CMC, the Court issued an order asking the parties to "file under seal letters,
16 not to exceed two pages per side, identifying each side's picks for the third PI bellwether slot."
17 (ECF No. 2799, 1/21/22 Minute Entry) The parties, after review of the Court's prior orders,
18 agree that the Court already decided this issue: "The first four personal injury trials will proceed
19 in the following order absent changed circumstances: Bain, Pesce, Westfaul, and Fish." (ECF
20 No. 2111, 7/16/21 Minute Order) Accordingly, the parties have not submitted further briefing on
21 this issue.

22 2. Additional B.B. Trial Witnesses

23 The parties submitted briefing, as ordered by the Court, on the four additional trial
24 witnesses disclosed for the B.B. trial. (ECF No. 2899, ECF No. 2906)

25 3. Census of Cases

26 The parties are working on a joint proposed order regarding the census of unfiled cases
27 and the production of medical records and anticipate submitting to the Court shortly.
28

B. Tribal Cases

On January 24, 2022, the Court entered a schedule for the tribal cases. The parties are working together to selecting an appropriate tribal bellwether case for trial.

C. Government Entity

The parties continue to discuss the implications of Plaintiffs' January 28, 2022 case-specific expert reports for the Government Entity cases. While discussions are ongoing with respect to the need for additional fact and expert discovery, and the Plaintiffs are not conceding at this point that additional fact discovery is warranted, the parties agree that the deadline for Defendants' responsive expert reports and the deadlines for summary judgment and *Daubert* motions should be vacated, pending the entry of a new pretrial schedule for the Government Entity cases. The parties further agree to report on these matters to the Court in connection with the March Case Management Conference, including a proposed schedule.

D. Class Case

Per the Court's January 21, 2022 minute order (ECF No. 2799), the parties have conferred and agree they will submit a proposed schedule (or schedules) for the remaining pretrial proceedings as to any class that may be certified (if any), within one week of any certification order.

V. DISCOVERY STATUS

The MDL Plaintiffs are holding weekly calls with JCCP counsel regarding discovery, as detailed by the Joint Coordination Order (CMO No. 9, ECF No. 572) and the Deposition Protocol (CMO No. 10, ECF No. 573).

VI. ADR STATUS

Pursuant to Civil Local Rule 16-10(d), the Parties report that they continue to confer with Settlement Master Thomas J. Perrelli and cooperate with his recommendations.

1 Dated: February 23, 2022

Respectfully submitted,

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